

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

_____X
CASE No. 09-1313 (ALG)

RONALD TORRES,

DEBTOR.
_____X

**RELIEF FROM STAY - REAL ESTATE AND
COOPERATIVE APARTMENTS**

I JEFF PENTON <NAME AND TITLE> OF BANKRUPTCY SPECIALIST
BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS SERVICING, L.P. <NAME OF
ORGANIZATION/CORPORATION/MOVING PARTY> (HEREINAFTER, "MOVANT") HEREBY
DECLARE (OR CERTIFY, VERIFY, OR STATE):

BACKGROUND INFORMATION

1. **REAL PROPERTY OR COOPERATIVE APARTMENT ADDRESS WHICH IS THE SUBJECT OF THIS
MOTION:** 24 BANGS STREET, UNIT 1, PROVINCETOWN, MASSACHUSETTS 02657

2. **LENDER NAME:** BAC HOME LOANS SERVICING, L.P. F/K/A
COUNTRYWIDE HOME LOANS SERVICING, L.P.

3. **DATE OF MORTGAGE <MM/DD/YYYY>:** 3/12/07

4. **POST-PETITION PAYMENT ADDRESS:**
BAC HOME LOANS SERVICING, L.P.
PAYMENT PROCESSING, P.O. BOX 10219, VAN NUYS, CA 91410-0219

DEBT/VALUE REPRESENTATIONS

5. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AT THE TIME OF FILING THE MOTION: \$207,187.64

(Note: this amount may not to be relied on as a "payoff" quotation.)

6. MOVANT'S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR COOPERATIVE APARTMENT: \$240,000.00

7. SOURCE OF ESTIMATED VALUATION:
DEBTORS' SCHEDULES A & D

STATUS OF DEBT AS OF THE PETITION DATE

8. TOTAL PRE-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AS OF PETITION FILING DATE: \$207,187.64

A. AMOUNT OF PRINCIPAL: \$201,514.47

B. AMOUNT OF INTEREST: \$5,673.17

C. AMOUNT OF ESCROW (taxes and insurance): \$ _____

D. AMOUNT OF FORCED PLACED INSURANCE EXPENDED BY MOVANT:
\$ _____

E. AMOUNT OF ATTORNEYS' FEES BILLED TO DEBTOR(S) PRE-PETITION:
\$ _____

F. AMOUNT OF PRE-PETITION LATE FEES, IF ANY, BILLED TO DEBTOR(S):
\$ _____

9. CONTRACTUAL INTEREST RATE: 7.50 (If interest rate is (or was) adjustable, please list the rate(s) and date(s) the rate(s) was/were in effect on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: ____.)

10. PLEASE EXPLAIN ANY ADDITIONAL PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR'S/DEBTORS' ACCOUNT AND NOT LISTED ABOVE:

(If additional space is needed, please list the amounts on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: ____.)

**AMOUNT OF ALLEGED POST-PETITION DEFAULT
(AS OF 6/17/09 <MM/DD/YYYY>)**

11. DATE LAST PAYMENT WAS RECEIVED: JANUARY 2009
<MM/DD/YYYY>

12. ALLEGED TOTAL NUMBER OF PAYMENTS DUE POST-PETITION FROM FILING OF PETITION THROUGH PAYMENT DUE ON 6/1/2009 <mm/dd/yyyy>: _____.

13. PLEASE LIST ALL POST-PETITION PAYMENTS ALLEGED TO BE IN DEFAULT:

ALLEGED PAYMENT DUE DATE	ALLEGED AMOUNT DUE	AMOUNT RECEIVED	AMOUNT APPLIED TO PRINCIPAL	AMOUNT APPLIED TO INTEREST	AMOUNT APPLIED TO ESCROW	LATE FEE CHARGED (IF ANY)
6/1/2009	1,466.16					
TOTALS:	1,466.16					

14. AMOUNT OF MOVANT'S ATTORNEYS FEES BILLED TO DEBTOR FOR THE PREPARATION, FILING AND PROSECUTION OF THIS MOTION: \$ 650.00

15. AMOUNT OF MOVANT'S FILING FEE FOR THIS MOTION: \$ 150.00

16. OTHER ATTORNEYS' FEES BILLED TO DEBTOR POST-PETITION: \$ _____

17. AMOUNT OF MOVANT'S POST-PETITION INSPECTION FEES: \$ _____

18. AMOUNT OF MOVANT'S POST-PETITION APPRAISAL/BROKER'S PRICE OPINION:
\$ _____

19. AMOUNT OF FORCED PLACED INSURANCE OR INSURANCE PROVIDED BY THE MOVANT
POST-PETITION: \$ 0 _____

20. SUM HELD IN SUSPENSE BY MOVANT IN CONNECTION WITH THIS CONTRACT, IF
APPLICABLE: \$ 0 _____

21. AMOUNT OF OTHER POST-PETITION ADVANCES OR CHARGES, FOR EXAMPLE TAXES,
INSURANCE INCURRED BY DEBTOR ETC.: \$0 _____

REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to this motion and indicate the exhibit number associated with the documents.

- (1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party. (Exhibit A.)
- (2) Copies of documents establishing proof of standing to bring this Motion. (Exhibit A.)
- (3) Copies of documents establishing that Movant's interest in the real property or cooperative apartment was perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office or the Register of the county the property or cooperative apartment is located in. (Exhibit _____.)

CERTIFICATION FOR BUSINESS RECORDS

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS FORM AND/OR ANY EXHIBITS ATTACHED TO THIS FORM (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1, 2 AND 3, IMMEDIATELY ABOVE) IS DERIVED FROM RECORDS THAT WERE MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS, WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY, AND WERE MADE BY THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER CERTIFY THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS FORM AS REQUIRED BY PARAGRAPHS 1, 2 AND 3, IMMEDIATELY ABOVE, ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL DOCUMENTS. I FURTHER CERTIFY THAT THE ORIGINAL DOCUMENTS ARE IN MOVANT'S POSSESSION, EXCEPT AS FOLLOWS: _____

DECLARATION

I, JEFF PENTON OF BAC HOME LOANS SERVICING, LP. HEREBY DECALARE
(OR CERTIFY, VERIFY, OR STATE) PURSUANT TO 28 U.S.C. SECTION 1746 UNDER
PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON
PERSONAL KNOWLEDGE OF THE MOVANT'S BOOK AND BUSINESS RECORDS.

EXECUTED AT RICHARDSON <CITY/TOWN>, TEXAS <STATE> ON THIS
22 DAY OF JUNE 2009.



JEFF PENTON

BANKRUPTCY SPECIALIST

BAC HOME LOANS SERVICING, LP.

2380 PERFORMANCE DRIVE, BLDG. C

RICHARDSON, TX 75082

<PRINT NAME>

<TITLE>

<MOVANT>

<STREET ADDRESS>

<CITY, STATE AND ZIP CODE>